

SHIRLI FABBRI WEISS (Bar No. 079225)  
shirli.weiss@dlapiper.com  
GERARD A. TRIPPITELLI (Bar No. 235788)  
jerry.trippitelli@dlapiper.com  
ALYSSON RUSSELL SNOW (Bar No. 225185)  
alysson.snow@dlapiper.com  
**DLA PIPER US LLP**  
401 B Street, Suite 1700  
San Diego, CA 92101-4297  
Tel: 619.699.3650  
Fax: 619.699.2701

Attorneys for Defendant  
ALEXANDER YAROSHINSKY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE CONNETICS CORPORATION  
SECURITIES LITIGATION

This Document Relates To:

ALL ACTIONS.

CASE NO. 3:07-cv-02940-SI

**CLASS ACTION**

**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF ALEXANDER  
YAROSHINSKY'S MOTION TO STRIKE  
PORTIONS OF PLAINTIFF'S SECOND  
AMENDED CONSOLIDATED CLASS  
ACTION COMPLAINT AND HIS MOTION  
TO DISMISS**

Date: August 15, 2008  
Courtroom: 10  
Time: 9:00 a.m.

Judge: Honorable Susan Illston

**I. INTRODUCTION**

Pursuant to the Federal Rules of Evidence Rule 201 (“Rule 201”), Defendant Alexander Yaroshinsky hereby requests that this Court take judicial notice of the documents identified below in support of Dr. Yaroshinsky’s Motion to Dismiss and Motion to Strike Plaintiff’s Second Amended Class Action Complaint.

**II. JUDICIAL NOTICE IS APPROPRIATE**

Rule 201 allows a court to take judicial notice of a fact “not subject to reasonable dispute in that it is . . . capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). Dr. Yaroshinsky requests judicial notice of Connetics’ Corporation’s historical stock prices and trading volume. In securities fraud cases, courts may take judicial notice of stock price data, including charts derived from that data. *In re NAHC, Inc. Sec. Litig.*, 306 F.3d 1314, 1331 (3d Cir. 2002).

Dr. Yaroshinsky also requests judicial notice of the Second Amended Complaint in *SEC v. Yaroshinsky*, Case No. 06CV2401 (CM) (S.D.N.Y.), filed June 29, 2007. A court may take judicial notice of its own records in other cases, as well as the records of another court in other cases. *United States v. Wilson*, 631 F.2d 118, 119 (9th Cir. 1980). Therefore, judicial notice of these items is appropriate.

**III. REQUEST FOR JUDICIAL NOTICE**

Based on the above and pursuant to Rule 201, Dr. Yaroshinsky hereby requests that the Court take judicial notice of the following documents in ruling on his motion to dismiss:

Connetics’ historic stock prices and trading volume between January 1, 2005 and July 1, 2005 as reported on Lexis/Nexis, attached as Exhibit A to the Declaration of Gerard A. Trippitelli In Support Of Dr. Yaroshinsky’s Motion to Dismiss (“Trippitelli Declaration”).

////

////

////

////

////

1 Second Amended Complaint in *SEC v. Yaroshinsky*, Case No. 06CV2401 (CM)  
2 (S.D.N.Y.), filed June 29, 2007, attached as Exhibit B to the Trippitelli Declaration.

3 Respectfully submitted,

4 Dated: May 2, 2008

DLA PIPER US LLP

6 By /s/ Shirli Weiss

7 SHIRLI FABBRI WEISS  
8 GERARD A. TRIPPITELLI  
9 ALYSSON RUSSELL SNOW  
Attorneys for Defendant ALEXANDER  
10 YAROSHINSKY

11 SD\1817411.1